

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JEFFERSON PILOT LIFE INS.CO.,)
Plaintiff,)
v. :
CHRISTOPHER KEARNEY.,)
Defendant.)

CASE NO. C-1-02-479
JUDGE MICHAEL R. BARRETT
MAGISTRATE JUDGE HOGAN

AFFIDAVIT OF
KATHLEEN LYONS

KATHLEEN LYONS, being duly sworn, deposes and says:

1. I am the Vice President of the Information Technology Department for Disability Management Services, Inc. ("DMS"). I make this statement based on personal knowledge.
2. I have been asked to estimate the costs involved in the retrieval, conversion and search of electronically-stored information. For purposes of this estimate I have assumed a need to review e-mail and network back-up tapes generated out of our Springfield, MA office for the period from February 2002 (the date from which the back-up dates are available) through October 2006. Estimating 2 tapes per month (one for e-mail and one for the network) over a 56 month period, this is a total of 112 tapes through October 2006. This estimate is based on 112 tapes and could increase if additional months are required.
3. "Backup" tapes are stored off site for disaster recovery purposes. Since the tapes

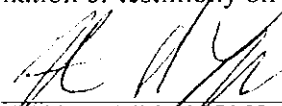


are kept for this purpose, it is anticipated that they would have to be accessed only in the rare event of a full scale catastrophe which resulted in irretrievable loss of on site data.

4. There is a retrieval charge for the retrieval of each tape from off-site storage. It would cost approximately \$2,000.00 for retrieval of the 112 tapes and their return to storage. This cost assumes that the retrieval would not need to be a rush. A rush retrieval would cost \$100.00 per tape.
5. These "backup" tapes represent the entirety of DMS' disaster recovery information.
6. Preparation and set-up of the equipment needed to uncompress the tapes would take an estimated 16 hours. This would be a cost of \$1,600.00.
7. In order to put this data in a searchable format it must first be decompressed from its current backed-up state on the Digital Linear Tape (DLT) tape. This is accomplished using Computer Associates' ArcServe software. Since this request goes from February 2002 through October 2006 there may be a need to have multiple tape drive devices to support different DLT formats as the technology has changed over this period. This software is designed to restore to a server the exact files that were present on the server when it was backed up. This means files in the format that is usable by the applications that use the files. Once restored to a server, the data is still not yet in a searchable format.
8. The data restored would then need to go onto a server that runs the Microsoft Exchange mail software involved and then the data must be searched using software designed for this purpose. Again, since there have been a series of upgrades to the mail software over this period there may be a need to create multiple environments to cover the large date range.
9. After a restoration has been completed, in order to perform a search of email boxes for particular words or characters, each email box will be searched separately, due to

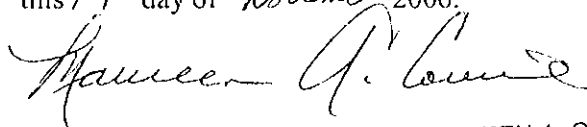
the nature of the database files designed by Microsoft. The Microsoft software itself is designed to be heavily encrypted to ensure mailbox privacy and security. This means that we will have to go through all of the built-in safeguards to the email boxes.

10. This process of formatting the tapes from their current state to a searchable format would take an estimated 336 (3 per tape) hours at a cost of \$33,600.00. To then search the tapes would take an additional 60 hours at a cost of \$6,000.00. This cost estimate is based on the cost of a similar search previously performed.
11. The total estimated cost for the retrieval, recovery and search of the back-up e-mail and network tapes is \$43,200.00. This number does not include any hardware costs likely be incurred to support the re-creation of the environments.
12. I am willing to offer additional information or testimony on this matter if needed.


KATHLEEN LYONS

Sworn to and subscribed before me

this 17th day of November 2006.



NOTARY PUBLIC

MAUREEN A. COWIE
Notary Public, State of New York
No. 4643975
Qualified in Onondaga Co.
My Commission Expires Jan. 31, 2010